

Message Text

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E.O. 11652: GDS

TAGS: UNGA, PINS

SUBJECT: UNGA - LEGAL COMMITTEE - CONVENTION ON PROTECTION
OF DIPLOMATS

REF: (A) BRUSSELS 6692; (B) BONN 16662; (C) USUN 4849;
(D) USUN 4732

1. ALTHOUGH DEPARTMENT APPRECIATES THE GRAVITY OF THREAT
TO CPD PRESENTED BY AFRO/ARAB AMENDMENT EXEMPTING SO-CALLED
PEOPLES' STRUGGLES, WE BELIEVE IT PREMATURE TO CONCLUDE
THAT SUCCESSFUL CONVENTION CANNOT BE ACHIEVED AND ARE CON-
CERNED THAT WEO TACTICS NOT BE BASED ON THAT PREMISE.
WHILE WE ARE NOT PREPARED TO ACCEPT COMPROMISES RETAINING
THE SUBSTANCE OF THE PROPOSED AMENDMENT AND WOULD JOIN
EC-9 IN VOTING AGAINST ANY SUCH PROPOSAL, WE WOULD HOPE
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THAT A SUCCESSFUL COMPROMISE COULD BE REACHED. IF NOT, WE

WOULD PREFER TO SEE AFRO/ARAB AMENDMENT DEFEATED AND CONVENTION APPROVED IF SUFFICIENT VOTES CAN BE MARSHALLED TO ACHIEVE THIS RESULT. IF IT IS YOUR JUDGMENT, AS THE MOMENT OF TRUTH COMES, THAT THE AFRO/ARAB AMENDMENT CANNOT BE DEFEATED, WE WOULD PREFER TO POSTPONE VOTE UNTIL LAST POSSIBLE MOMENT IN THIS SESSION. MOREOVER, WE WOULD PREFER THAT GA ADOPT NO CONVENTION AT ALL RATHER THAN TO ESTABLISH PRECEDENT WHICH MIGHT UNDERMINE EXISTING INTERNATIONAL LAW CONCERNING OBLIGATION OF STATES TO ACCORD PROTECTION TO ALL DIPLOMATS. AT THE SAME TIME, IF VOTE

RESULT IS IN DOUBT WE PREPARED TO ACCEPT REASONABLE RISK OF DEFEAT ON THEORY THAT SOME WAVERERS MAY NOT, IN FINAL ANALYSIS, SUBSCRIBE TO THESIS UNDERLYING AFRICAN AMENDMENT. IN ORDER TO ENHANCE PRESSURE ON THOSE WHO WOULD RATHER NOT FACE ISSUE, WE WOULD WISH TO AVOID PREMATURE DISCUSSION OF POSSIBILITY CONVENTION MIGHT NOT BE COMPLETED THIS YEAR.

2. WITH RESPECT TO SUBSTANTIVE ALTERNATIVES, WE CONCUR WITH MISSION'S VIEWS AS EXPRESSED PARA 4 REF C. HOWEVER, WHILE A RESOLUTION WOULD GIVE US MORE FLEXIBILITY THAN LANGUAGE IN THE CONVENTION (FOR EXAMPLE WITH RESPECT TO LANGUAGE SPECIFIED IN ALTERNATIVE B), WE COULD NO LIVE WITH RESOLUTION IMPLYING THAT THE CONVENTION OBLIGATIONS DO NOT APPLY IN THESE CASES. FRG'S ALTERNATIVE A (REF B) TOTALLY UNACCEPTABLE AS U.S. MIGHT BE ONE OF THE COUNTRIES EXCEPTED BY SEVERAL STATES. ALTHOUGH WE ARE DOUBTFUL THAT LANGUAGE FINALLY ACCEPTED ON ASYLUM COULD BE APPLIED TO THIS SITUATION, WE WOULD LIKE TO KNOW MORE ABOUT FRG NOTION EXPRESSED PARA 3(C) REF B. KISSINGER

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